

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

May 18, 2009
8:00 p.m.

Council Chamber
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Bonincontri, Chelminiak, Davidson, and Lee

ABSENT: Councilmember Noble

1. Call to Order

The meeting was called to order at 8:08 p.m., with Mayor Degginger presiding.

2. Roll Call, Flag Salute

Upon roll call, all Councilmembers were present except Councilmember Noble. Councilmember Chelminiak led the flag salute.

(a) Commercial Recycling Awards

Utilities Director Denny Vidmar recalled that the City entered into a new solid waste contract in 2004 that included an improved commercial recycling program.

Don Frey, Allied Waste, presented the 2008 Commercial Recycling awards to:

- ICOM, Inc. – Small commercial category, recycling rate of 96 percent,
- Bellevue Healthcare – Medium commercial category, recycling rate of 80 percent, and
- Forest Ridge School of the Sacred Heart. – Large commercial category, recycling rate of 87 percent.

(b) Asian Pacific American Heritage Month

Mayor Degginger read a proclamation recognizing May as Asian Pacific American Heritage Month.

Councilmember Lee accepted the proclamation on behalf of the Asian and Pacific Islander community in Bellevue.

3. Communications: Written and Oral

- (a) Ginger Switzer, a Wilburton Hill resident, submitted her comments in writing and stated her concerns regarding dogs in public parks that are not on leashes. She described incidents of her and her neighbor's leashed dogs being attacked by unleashed dogs. If the City adds off-leash areas to its parks, she is concerned that people will allow their dogs to walk unleashed from their vehicles to the off-leash area, and that this practice could lead to attacks on leashed dogs and/or children on playgrounds.
- (b) Charlie Klinge, a land use attorney representing Dave Robertson, spoke regarding the Bel-Red Subarea Code package and expressed his ongoing concerns regarding the proportional compliance requirement applicable to existing uses in the Bel-Red corridor. He expressed support for alternative 5 as proposed by City staff.
- (c) Bill Pace, a Lochmoor resident, expressed concern regarding proposed building heights, which will have a widespread negative impact on residential properties and views.
- (d) T.J. Woosley, representing Brierwood Center, expressed support for Bel-Red Code amendments. However, he noted that redevelopment will take some time and be dependent upon the market. He supports staff's alternative 5 to address the proportional compliance requirement for existing uses. Mr. Woosley thanked Councilmembers for their extensive work on Bel-Red planning.
- (e) Ian Elliott noted his ongoing advocacy for a downtown skateboard park. He thanked Deputy Mayor Balducci for setting up a meeting for him tomorrow with Glenn Kost and Shelly Marelli of the Parks Department.
- (f) Walter Scott expressed concern regarding the size of retail uses contemplated with the redevelopment of the Bel-Red Corridor. He suggested allowing up to 25,000 square feet for general retail and 50,000 square feet for a food store in both the BR-R and BR-RC districts.

4. Reports of Community Council, Boards and Commissions: None.

5. Report of the City Manager

- (a) Update on GMPC Growth Targets

City Manager Steve Sarkozy provided introductory comments regarding the process for updating housing and job growth targets for the Countywide Planning Policies (CPPs). A briefing to the City Council on preliminary numbers is anticipated later this summer. The new growth targets will guide the required 2011 update of the City's Comprehensive Plan.

Planning Director Dan Stroh referred the Council to the management brief on page 5-1 of the meeting packet which reviews the technical process for updating the growth targets through 2031 as mandated by the state Growth Management Act (GMA). The targets are to be adopted by the

Growth Management Planning Council (GMPC) and incorporated into Countywide Planning Policies by the end of the year. The GMPC could adopt recommendations on targets as early as September, and these would then be forwarded to cities for ratification.

Responding to Mayor Degginger, Mr. Stroh said the GMPC is looking at a number of methodologies for establishing growth targets, including setting targets that are proportional to the current populations of jurisdictions. Mr. Stroh said staff anticipates that none of the methodologies will result in inappropriate or impossible targets.

Responding to Councilmember Lee, Mr. Stroh said housing growth in Bellevue over the next 25 years is primarily targeted in the Downtown and Bel-Red corridor.

(b) Management Brief – Mercer Slough Environmental Education Center Proposed Donation of Wetlab 2

Parks and Community Services Director Patrick Foran announced that the Master Builders Association (MBA) of King and Snohomish Counties has agreed to construct Wetlab 2 at the Mercer Slough Environmental Education Center, as one of its 100 community service projects during the MBA's 2009 centennial celebration. The lab will be a Built Green 5-Star project, which is the highest rating of the MBA's environmental certification building program designed to promote water conservation, recycling, energy conservation, and habitat protection.

Mr. Foran said staff will bring back for Council approval a lease agreement and memorandum of understanding (MOU) between the City and the Master Builders Association to implement this project consistent with the City-provided plans and specifications.

Mayor Degginger expressed enthusiasm for the project and thanked the Master Builders Association for this contribution.

(c) Update on Main Street and NE 2nd Street Conceptual Design Project

[Discussed during the earlier Study Session in conjunction with the Downtown Urban Design and Livability work program discussion.]

6. Council Business and New Initiatives

Councilmember Lee attended a joint meeting of the three subarea transportation policy boards with Deputy Mayor Balducci. Mr. Lee attended meetings of the Suburban Cities Association, Bellevue Transportation Commission, and Bellevue LEOFF I Disability Board. He attended the Bellevue Philharmonic concert and a Bellevue Community College fundraiser lunch.

Councilmember Bonincontri attended a meeting of the PSRC Growth Management Policy Board and the Cascade Land Conservancy breakfast.

Councilmember Davidson reported that he and Councilmember Bonincontri attended a Taiwanese dance performance at Kirkland Performing Arts Center. Dr. Davidson attended a

meeting of the Bellevue Chamber of Commerce's Public Affairs Committee. He attended a celebration for the 10th anniversary of the Cascade Water Alliance at the Museum of Flight.

Councilmember Chelminiak attended meetings of the state Building Codes Council and Bellevue Parks and Community Services Board.

Deputy Mayor Balducci attended a joint meeting of the three subarea transportation policy boards, which was convened to address Metro's significant budget shortfall. She attended meetings of the Eastside Transportation Partnership, Sound Transit, and the PSRC Transportation Policy Board. Deputy Mayor Balducci thanked Mayor Degginger for his extensive involvement in Sound Transit meetings on behalf of the City's light rail planning.

Mayor Degginger reported on a visit from the President of the Republic of Latvia today in City Hall. At their request, the President and his wife were taken on a tour of the Mercer Slough Environmental Education Center.

Mayor Degginger traveled to Olympia for the signing of legislation related to the Cascade Water Alliance's condemnation authority. Mr. Degginger praised Councilmember Davidson's involvement in water-related issues during the past two decades.

7. Approval of the Agenda

- Deputy Mayor Balducci moved to approve the agenda, with the addition of Agenda Item 11(c) to consider Resolution No. 7929. Councilmember Chelminiak seconded the motion.
- The motion to approve the agenda, as amended, carried by a vote of 6-0.

8. Consent Calendar

- Deputy Mayor Balducci moved to approve the Consent Calendar, and Councilmember Lee seconded the motion.
- The motion to approve the Consent Calendar carried by a vote of 6-0, and the following items were approved:
 - (a) Minutes of April 20, 2009 Study Session
Minutes of April 20, 2009 Regular Session
Minutes of April 27, 2009 Extended Study Session
 - (b) Motion to award Bid No. 9118 to RC Zeigler Company Inc., in an amount not to exceed \$28,927.41, as the lowest responsible bidder, for the installation of two playground covers at Lewis Creek Community Park.
 - (c) Ordinance No. 5873 authorizing: 1) execution of a grant agreement with the Washington State Department of Transportation (WSDOT) to accept \$385,000 in

federal Highway Safety Improvement Program (HSIP) funding; 2) amendment of the 2009-2010 General CIP fund to increase the appropriation by \$385,000 in grant funds; and 3) amendment of the 2009-2015 Capital Investment Program (CIP Plan) Plan to increase the project budget for the Downtown Mid-Block Crossings project by \$385,000 (CIP Plan No. PW-W/B-77).

- (d) Resolution No. 7927 authorizing execution of an Interagency Agreement with King County in order to utilize the County's stream restoration crews for construction of the Coal Creek Upper Reach Stabilization and Grade Control Projects (CIP Plan Nos. D-95 and D-100).
- (e) Resolution No. 7928 authorizing execution of an amendment to the professional services agreement for the Lower Coal Creek Sediment Pond, with RW Beck, Inc., in the amount of \$265,000, for engineering services (CIP Plan No. D-101).
- (f) Motion to award Bid No. 9041 for the 2009 Asphalt and Concrete Replacement Project to Northwest Asphalt Inc., in an amount not to exceed \$336,072.25.

9. Public Hearings: None.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) 2009 Annual Comprehensive Plan Amendment (CPA) Work Program

Comprehensive Planning Manager Paul Inghram provided a brief overview of the annual Comprehensive Plan Amendment (CPA) work program. He noted the withdrawal of both the Kinoshita and Newport Professional Building CPA applications. The two remaining CPA proposals are: 1) Capital Facilities Capital Investment Program (CIP) reference update, and 2) Transportation Element Figure TR.2 (Travel Demand Forecast) amendment. Staff recommends that both proposals be initiated into the 2009 CPA review process.

Deputy Mayor Balducci expressed concern regarding the staff time spent on reviewing the privately initiated Comprehensive Plan Amendment (CPA) proposals that were then withdrawn at the end of the process.

Mr. Inghram acknowledged that the time spent by staff and the Planning Commission was not insignificant. He noted that in some cases applicants withdraw from the process if the Planning Commission recommends against initiating their proposals. This will allow them to resubmit a CPA application without having to wait the required three years for reapplying. Ms. Balducci would like a review of the process to determine a way to discourage withdrawals after considerable work by staff and the Planning Commission.

Councilmember Davidson is in favor of reviewing the process as well, but for a different reason. He has not been a supporter of the required three-year waiting period between submittals of a Comprehensive Plan Amendment (CPA) proposal.

Responding to Councilmember Lee, Mr. Inghram said the Transportation Element CPA updates the travel demand forecast and the mobility management areas (MMA) map.

- Deputy Mayor Balducci moved to initiate the Capital Facilities CIP Reference Update Comprehensive Plan Amendment into the annual work program, and to direct the Planning Commission to return final recommendations through the CPA review process. Councilmember Bonincontri seconded the motion.
- The motion to initiate the Capital Facilities CIP Reference Update Comprehensive Plan Amendment into the annual work program carried by a vote of 6-0.
- Deputy Mayor Balducci moved to initiate the Transportation Element Figure TR.2 Comprehensive Plan Amendment into the annual work program, and to direct the Planning Commission to return final recommendations through the CPA review process. Councilmember Bonincontri seconded the motion.
- The motion to initiate the Transportation Element Figure TR.2 Comprehensive Plan amendment into the annual work program carried by a vote of 6-0.

(b) Bel-Red Code Amendments

- (1) Ordinance No. 5874 amending the Bellevue Land Use Code, adopting a new Part 20.25D to establish regulations, standards, and design guidelines for implementation of the new Bel-Red Subarea Plan, and establishing an effective date

City Manager Steve Sarkozy explained that Council action is requested on Ordinances adopting a new Part 20.25D Bel-Red Overlay in the Bellevue Land Use Code, the legislative rezone of the Bel-Red Subarea, and necessary amendments to general sections of the Land Use Code, Sign Code, and Noise Control Code to achieve consistency with the Bel-Red Overlay Code.

Land Use Director Carol Helland recalled previous Council discussion regarding the existing conditions section of the Bel-Red Overlay Code. She briefly reviewed five alternatives for handling proportional compliance requirements applicable to existing uses [Beginning on page 11-20 of meeting packet].

Responding to Councilmember Chelminiak, Ms. Helland said a permit application has a one-year term, with the option for a 180-day extension. Once a permit is issued, construction must start within a year.

Responding to Councilmember Davidson, Ms. Helland referred to Attachment F, Valuation Data for Tenant Improvements in Bel-Red, in the meeting packet. Most tenant improvements in the

Bel-Red Subarea during the past four years were under the \$150,000 threshold that would trigger the requirement for exterior parking and landscaping enhancements under the proposed Code amendment.

Councilmember Bonincontri suggested exempting interior alterations and improvements from triggering the proportional compliance threshold for a period of three years, instead of two years as reflected in options 4 and 5. Councilmember Chelminiak concurred.

- Councilmember Chelminiak moved to adopt Option 5 exempting interior alterations and improvements proposed to accommodate a Bel-Red permitted use from being counted toward the monetary threshold for triggering required site improvements when no expansion to the development footprint is proposed, and to amend Option 5 to increase the exemption period to three years. Councilmember Bonincontri seconded the motion.

Deputy Mayor Balducci expressed support for the motion.

Mayor Degginger spoke in favor of the motion and providing additional flexibility for property owners.

- The motion to implement Option 5, as amended, with regard to existing uses and proportional compliance requirements, carried by a vote of 6-0.

Mayor Degginger thanked the Bel-Red Steering Committee, City staff, the Council, and the community for their involvement in this planning effort.

- (2) Ordinance No. 5875 amending the land use designations for all properties within the Bel-Red Subarea for consistency with revisions to the Comprehensive Land Use Plan, and establishing an effective date.
- (3) Ordinance No. 5876 amending the Bellevue Land Use Code, relating to ensuring consistency with the new Bel-Red Overlay (Part 20.25D); amending specific sections; adopting new sections 20.10.375, 20.20.840, 20.30F.180; deleting section 20.20.920; and establishing an effective date.
- (4) Ordinance No. 5877 amending the sign code to incorporate new Bel-Red Land Use Districts, correct references for consistency, and update definitions to reflect departmental changes; amending sections 22B.10.020, 22B.10.025, 22B.10.030, 22B.10.040, 22B.10.055, and 22B.10.140 of the Bellevue City Code; and establishing an effective date.
- (5) Ordinance No. 5878 amending the Bellevue City Code to incorporate the Bel-Red Land Use Districts into chapter 9.18.(Noise Code); amending section 9.18.025 of the Bellevue City Code; providing for severability; and establishing an effective date.

- Deputy Mayor Balducci moved to adopt Ordinance No. 5874, Ordinance No. 5875, Ordinance No. 5876, Ordinance No. 5877, and Ordinance No. 5878, adding new part 20.25D Bel-Red Overlay Code; adopting the legislative rezone for the corridor consistent with Bel-Red Subarea Plan map; and amending the general sections of the Land Use Code (BCC Title 20), the Sign Code (BCC 22.B10), and the Noise Control Code (BCC 9.18) to achieve consistency with the Bel-Red Overlay Code. Councilmember Chelminiak seconded motion.

Councilmember Chelminiak thanked the City's Boards and Commissions for their work on the Bel-Red Subarea planning.

City Attorney Lori Riordan suggested a clarification to the motion language.

- Deputy Mayor Balducci restated the motion and moved to adopt Ordinance No. 5874, as amended by Option 5, and to adopt Ordinance Nos. 5875, 5876, 5877, and 5878, adding a new Part 20.25D Bel-Red Overlay Code; adopting the legislative rezone for the corridor consistent with Bel-Red Subarea Plan map; and amending the general sections of the Land Use Code (BCC Title 20), the Sign Code (BCC 22.B10), and the Noise Control Code (BCC 9.18) to achieve consistency with the Bel-Red Overlay Code. Councilmember Chelminiak seconded the restated motion.

- The motion to adopt Ordinance No. 5874, as amended, and to adopt Ordinance Nos. 5875, 5876, 5877, and 5878 carried by a vote of 6-0.

- (c) Resolution No. 7929 authorizing all documents necessary for the purchase of the McIntosh Properties, parcel numbers 162405-9084 and 162405-9190.

Parks and Community Services Director Patrick Foran explained that Resolution No. 7929 authorizes all documents necessary for the purchase of the McIntosh properties totaling approximately three acres. The purposes of the acquisition are: 1) To provide public access to a part of Coal Creek Park that does not currently have public access, and 2) To provide an area for the Utilities Department to establish a sedimentation pond in order to improve the water quality of the creek. The purchase price is \$350,000.

- Deputy Mayor Balducci moved to approve Resolution No. 7929, and Councilmember Chelminiak seconded motion.

Councilmember Lee expressed concern regarding the purchase given the current budget constraints.

City Manager Steve Sarkozy reviewed the two benefits of acquiring the property. He explained that Utilities monies were set aside for this purpose a number of years ago, and Parks CIP funds are available as well for important acquisitions. He noted the relatively low purchase price.

- The motion to approve Resolution No. 7929 carried by a vote of 6-0.

12. Unfinished Business: None.
13. Continued Oral Communications: None.
14. New Business: None.
15. Executive Session: None.
16. Adjournment

At 9:39 p.m., Mayor Degginger declared recess to return to the Study Session Agenda.

Michelle Y. Murphy
Deputy City Clerk

/kaw